

**Introduced by Senator Anderson**

January 21, 2015

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An act to amend Section 2196 of the Elections Code, relating to elections.

## LEGISLATIVE COUNSEL'S DIGEST

SB 129, as introduced, Anderson. Online voter registration.

Under existing law, operative when the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002 or executes a declaration stating that certain conditions have occurred, a person who is qualified to register to vote and who has a valid California driver's license or state identification card is authorized to submit an affidavit of voter registration electronically on the Internet Web site of the Secretary of State.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 2196 of the Elections Code is amended
- 2     to read:
- 3     2196. (a) (1) Notwithstanding any other provision of law, a
- 4     person who is qualified to register to vote and who has a valid
- 5     California driver's license or state identification card may submit
- 6     an affidavit of voter registration electronically on the Internet Web
- 7     site of the Secretary of State.

(2) An affidavit submitted pursuant to this section is effective upon receipt of the affidavit by the Secretary of State if the affidavit is received on or before the last day to register for an election to be held in the precinct of the person submitting the affidavit.

(3) The affiant shall affirmatively attest to the truth of the information provided in the affidavit.

(4) For voter registration purposes, the applicant shall affirmatively assent to the use of his or her signature from his or her driver's license or state identification card.

(5) For each electronic affidavit, the Secretary of State shall obtain an electronic copy of the applicant's signature from his or her driver's license or state identification card directly from the Department of Motor Vehicles.

(6) The Secretary of State shall require a person who submits an affidavit pursuant to this section to submit all of the following:

(A) The number from his or her California driver's license or state identification card.

(B) His or her date of birth.

(C) The last four digits of his or her social security number.

(D) Any other information the Secretary of State deems necessary to establish the identity of the affiant.

(7) Upon submission of an affidavit pursuant to this section, the electronic voter registration system shall provide for immediate verification of both of the following:

(A) That the applicant has a California driver's license or state identification card and that the number for that driver's license or identification card provided by the applicant matches the number for that person's driver's license or identification card that is on file with the Department of Motor Vehicles.

(B) That the date of birth provided by the applicant matches the date of birth for that person that is on file with the Department of Motor Vehicles.

(8) The Secretary of State shall ~~employ~~ use security measures to ensure the accuracy and integrity of voter registration affidavits submitted electronically pursuant to this section.

(b) The Department of Motor Vehicles shall ~~utilize~~ use the electronic voter registration system required by this section to comply with its duties and responsibilities as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).

1 (c) The Department of Motor Vehicles and the Secretary of  
2 State shall develop a process and the infrastructure to allow the  
3 electronic copy of the applicant's signature and other information  
4 required under this section that is in the possession of the  
5 department to be transferred to the Secretary of State and to the  
6 county election management systems to allow a person who is  
7 qualified to register to vote in California to register to vote under  
8 this section.

9 (d) If an applicant cannot electronically submit the information  
10 required pursuant to paragraph (6) of subdivision (a), he or she  
11 shall nevertheless be able to complete the affidavit of voter  
12 registration electronically on the Secretary of State's Internet Web  
13 site, print a hard copy of the completed affidavit, and mail or  
14 deliver the hard copy of the completed affidavit to the Secretary  
15 of State or the appropriate county elections official.

16 (e) This chapter shall become operative upon the date that either  
17 of the following occurs:

18 (1) The Secretary of State certifies that the state has a statewide  
19 voter registration database that complies with the requirements of  
20 the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301  
21 et seq.).

22 (2) The Secretary of State executes a declaration stating that all  
23 of the following conditions have occurred:

24 (A) The United States Election Assistance Commission has  
25 approved the use of the federal Help America Vote Act of 2002  
26 (42 U.S.C. Sec. 15301) funding to provide online voter registration  
27 in advance of the deployment of the statewide voter registration  
28 database or other federal funding is available and approved for the  
29 same purpose.

30 (B) The Department of Motor Vehicles and the Secretary of  
31 State have developed a process and the infrastructure necessary  
32 to implement paragraph (5) of subdivision (a).

33 (C) All county election management systems have been modified  
34 to receive and store electronic voter registration information  
35 received from the Secretary of State in order to allow a person  
36 who is qualified to register to vote in California to register to vote  
37 under this section.

38 (f) For purposes of implementing this chapter as expeditiously  
39 as possible, if it becomes operative pursuant to paragraph (2) of  
40 subdivision (e), the Secretary of State's office shall be exempt

1 from information technology requirements included in Sections  
2 11545, 11546, and 11547 of the Government Code and Section  
3 12100 of the Public Contract Code, and from information  
4 technology project and funding approvals included in any other  
5 provision of law.

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